THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7591 of 2007

13.4.2007

Between:

N.Ramakonda Reddy, S/o.Late Reddappa Reddy
And others

… Petitioners

AND

The District Collector, Chittoor District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7591 of 2007

ORDER:

The four petitioners herein are residents of Naramakulapalli village of K.V.Palli Mandal in Chittoor District. They allege that they are owners of different extents of agricultural lands in survey No.669, 671, 643/2 and 643/3. Petitioners dug open well as well as a bore well in their lands and that the land of the respondents 4 and 5 admeasuring Acs.1.34 in survey No.644/B is situated in between the two wells of the petitioners. When respondents 4 and 5 tried to dig a bore well in January 2006, petitioners objected on the ground that they proposed to dig bore well within a distance of 150 meters, without any permission, and, therefore, it is prohibited under A.P. Water, Land and Trees Act, 2002 (the Act, for brevity). In spite of the objection, respondents dug bore well and 10 HP submersible motor was fixed. Petitioners therefore issued notice dated 02.3.2006 requesting respondents 1 to 3 to take action against respondents 4 and 5. Second respondent conducted enquiry in the matter and sent a report to first respondent, who in turn addressed Project Director, DWMA, to take action as per the Act. Third respondent however sent a reply to the petitioners stating that respondents 4 and 5 dug a bore well in accordance with law. Not satisfied with the same, present writ petition is filed praying this Court to issue a writ of Mandamus declaring the action of respondents 1 to 3 in not taking action against respondents 4 and 5 as illegal and arbitrary.

After hearing the learned Counsel for petitioners and learned Assistant Government Pleader for Revenue (General-A), this Court is convinced that the writ petition is misconceived. Petitioners have not placed before this Court relevant notifications issued under Sections 9 and 10 of the Act prohibiting digging of bore wells in the Village.

Secondly, acting upon the notice issued by the petitioners, enquiry was conducted and third respondent already sent a reply to the petitioners to the effect that the bore well dug by respondents 4 and 5 in their lands is in accordance with the Act and Rules made thereunder. In such a case there cannot be any further enquiry in a writ petition under Article 226 of Constitution of India. If the petitioners have further grievance, they may have to necessarily approach the District Collector for redressal.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

April 13, 2007.

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